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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 January 2011_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-46_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-46_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

         1.☒ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   The amendments and arguments received on 01/21/2011 have been considered. It has

been noted that claims 14-24 and 43 have been amended.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

3.   Claims 1-35 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itou

(US 6,439,998) in view of Nakatani et al (US 5,720,663) and Okita et al (US 6,422,945.

        Re claim 1: Itou teaches a game apparatus displaying a battle scene in which characters in

a game world fight with each other **(see fig.9; col.1, lines 53-56)**, comprising: one or more first

storage locations for storing one or more parameters for each enemy appearing in said game

world / such as storing data, BGM, etc associated with the processes of the game **(see col.6,**

lines 24-30); one or more second storage locations for storing one or more operation timing /

describing the timing associated with the operation of the game which involves waiting time

mode and action time mode, which is indicative of optimal player timings and consequences /

such as the attacks the game character is susceptible to based on the waiting time, to be input in

association with each enemy **(see col.6, lines 34-53 and 63-67)**; input pattern changing

programmed logic circuitry for displaying, when the battle scene is displayed, an input pattern

and changing a displaying manner of said input pattern on the basis of one of one or more the

operation timing patterns associated with the enemy character appearing in said battle scene stored in said second storage locations (see col.5, lines 57-62 and col.6, lines 6-11); changing value calculating programmed logic circuitry for calculating a changing value for changing the parameter of the enemy depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting programmed logic circuitry and the timing of the operation timing pattern (see col.10, lines 44-51); and parameter updating programmed logic circuitry for updating the parameter / executing time of the enemy appearing in said battle scene on the basis of the changing value calculated by said changing value calculating programmed logic circuitry (see abstract, lines 10-15).

However, Itou does not explicitly teach an operation detecting programmed logic circuitry for detecting an operation by said player input in response to a change of said input pattern; one or more storage locations for storing for a plurality of enemies, one or more operation timing patterns indicating the optimal timing of one or more sequential player inputs to be input in association with a corresponding enemy.

Nakatani et al teaches an operation detecting programmed logic circuitry for detecting an operation by said player input in response to a change of said input pattern (see col.6, lines 19-35); wherein the characters in the game world fight are simultaneously and independently movable during game play / wherein both characters fighting in a game world, are fighting and moving at the same time but not controlled by the same player where all characters move independently but simultaneously during the game play (see fig.2; col.1, lines 24-35; col.6, lines 19-25).

Okita et al teaches one or more storage locations for storing for a plurality of enemies /

opponents, one or more operation timing patterns indicating the timing of one or more sequential

player inputs to be input in association with a corresponding enemy **(see col.6, lines 44-64)**.

Further, Okita et al teaches storage specifically for storing the pattern of timing of attacks during

the game play. Lines 50-53 of col.6 explains that these stored patterns correspond to the enemy

punching attack process which reads on the applicants claim of storing operating timing patterns

for plurality of enemies and sequential/pattern input of game play.

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the teachings and inventions of Itou, Nakatani et al, and

Okita et al. One would be motivated to do this so as to provide a means for detecting the

player input in the game and hence to carry out the operation in response to the input of the

player in a specified and predetermined timing and further to allow all characters to move

independently and simultaneously in the game world, hence making the game have a

realistic feel to it and keeping the players interested by not waiting for turns.

Re claim 2: Itou teaches the game apparatus, wherein said second storage locations

store for each character the operation timing patterns having different difficulty levels of an

operation for said player **(see col.6, lines 34-53)**, and said instruction image changing mechanism

changes the displaying manner of said instruction image on the basis of the operation timing

pattern associated with any one of an offensive character and a defensive character **(see col.5,

lines 57-62 and col.6, lines 6-11). It is apparent to Examiner that the storage location is

simply storage, which stores any information regarding the game and characters regardless

of difficulty level as long as there is an instruction to do so.**

Re claims 3 and 7: Itou teaches the game apparatus displaying a battle scene in which characters in a game world fight with each other **(see fig.9; col.1, lines 53-56)**.

However, Itou fails to teach a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended.

Nakatani et al teaches a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended **(see fig.13B; col.9, lines 42-58)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings and inventions of Itou and Nakatani et al since the strength and skill of a game character is one of the characters attribute/parameter and also since it is only obvious to adjust and reduce the defensive character's strength as a result of damages received from the opposing character thereby making the game more realistic and hence increasing the player's enjoyment of the game.

Re claims 4 and 5: Itou teaches the game apparatus, wherein said instruction image changing mechanism changes the displaying manner by displaying said instruction image in one of a rhythmic manner, an enlarged/reduced manner, and a displayed/non-displayed manner on the basis of the operation timing pattern associated with the character appearing in said battle scene; wherein said instruction image changing mechanism changes at least one of a color and a shape of said instruction image at the timing that has to be operated by said player on the basis of the operation timing pattern **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claim 6: Itou teaches the game apparatus, further comprising a music reproducing mechanism / output unit (6) for reproducing music data for playing a BGM in said battle scene **(see fig.1; col.6, lines 1-5)**, wherein said second storage locations store the music data which is utilized as the operation timing pattern and is constituted of a plurality of kinds of parts each being a reproduction object by said music reproducing mechanism **(see col.6, lines 24-30)**, and

said instruction image changing mechanism changes the displaying manner of said instruction

image on the basis of any one of the parts constituting the music data when said BGM is being

played by said music reproducing mechanism **(see col.5, lines 57-62 and col.6, lines 6-11). It is**

apparent to the Examiner that the present graphic processor makes it possible for any

variety of display to be processed and displayed based on whatever is programmed and

instructed into the game and hence battle scene.

Re claims 8 and 10: Itou teaches the game apparatus, wherein said changing value

calculating mechanism calculates the changing value so as to significantly change the parameter

of the character as a degree of coincidence between the operation timing of said player at a time

of being detected by said operation detecting mechanism and the timing of the operation timing

pattern corresponding to said timing is higher; wherein said changing value calculating

mechanism calculates the changing value so as to be gradually increased when the degree of

coincidence between the operation timing of said player detected by said operation detecting

mechanism and the timing of the operation timing pattern is successively high **(see col.10, lines**

44-51).

Re claim 9: Itou teaches the game apparatus, wherein said operation timing pattern is

constructed so as to be successively operated at a plurality of timing patterns by said player **(see**

col.6, lines 49-53), and said changing value calculating mechanism calculates, every time that

the operation by said player is detected by said operation detecting mechanism, the changing

value depending upon a degree of coincidence between the operation timing by said player at

that time and the timing of the operation timing pattern corresponding to said time **(see col.10, lines 44-51)**.

Re claim 11: Itou teaches the game apparatus, further comprising turn changing programmed logic circuitry for allowing successive operations by said player while the degree of coincidence is not lower than a predetermined value and making a change between an offensive turn and a defensive turn at a time that the degree of coincidence becomes lower than the predetermined value, wherein said battle scene is for fighting the characters with each other by alternately repeating said offensive turn and said defensive turn **(see fig.3; col. 2, lines 30-45 and col.6, lines 58-67)**.

Re claim 12: Itou teaches the game apparatus, further comprising third storage locations for storing the number of operable times / waiting time information indicative of the number of operable times by said player **(see col.6, lines 34-41)**; a number of times reducing mechanism for reducing the number of operable times depending upon an operation of said player; and an operation ending mechanism for ending the operation by said player when the number of operable times becomes 0 **(see figs. 10A-10D; col.12, lines 1-7)**.

Re claim 13: Itou teaches the game apparatus, further comprising a number of times increasing mechanism for increasing the number of operable times when the degree of coincidence between the operation timing of said player and the timing of the operation timing pattern is successively higher **(see col.10, lines 44-51)**.

Re claim 14: Itou teaches a memory medium encoded with a game program for execution

by a computer of a game apparatus in order to display a battle scene in which characters in a

game world fight with each other **(see figs.1 and 9; col.1, lines 53-56)**, comprising: first storage

locations for storing a parameter for each character appearing in said game world / such as

storing data, BGM, etc associated with the processes of the game **(see col.6, lines 24-30)**; second

storage locations for storing an operation timing pattern / describing the timing associated with

the operation of the game which involves waiting time mode and action time mode, which is

indicative of optimal player timings and consequences / such as the attacks the game character

is susceptible to based on the waiting time, to be input in association with each enemy **(see col.6,**

lines 34-53 and 63-67); input pattern changing programmed logic circuitry for displaying, when

the battle scene is displayed, an input pattern and changing a displaying manner of said input

pattern on the basis of one of one or more the operation timing patterns associated with the

enemy character appearing in said battle scene stored in said second storage locations **(see col.5,**

lines 57-62 and col.6, lines 6-11); a changing value calculating mechanism for calculating a

changing value for changing the parameter of the character depending upon a degree of

coincidence between the operation timing of said player at a time of being detected by said

operation detecting mechanism and the timing of the operation timing pattern **(see col.10, lines**

44-51); and a parameter updating mechanism for updating the parameter / executing time of the

character appearing in said battle scene on the basis of the changing value calculated by said

changing value calculating mechanism **(see abstract, lines 10-15)**.

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image; one or more storage locations for storing for a plurality of enemies, one or more operation timing patterns indicating the timing of one or more sequential player inputs to be input in association with a corresponding enemy.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image (see col.6, lines 19-35); wherein the characters in the game world fight are simultaneously and independently movable during game play / wherein both characters fighting in a game world, are fighting and moving at the same time but not controlled by the same player where all characters move independently but simultaneously during the game play (see fig.2; col.1, lines 24-35; col.6, lines 19-25).

Okita et al teaches one or more storage locations for storing for a plurality of enemies / opponents, one or more operation timing patterns indicating the timing of one or more sequential player inputs to be input in association with a corresponding enemy (see col.6, lines 44-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou, Nakatani et al, and Okita et al so as to provide a means for detecting the player input in the game and hence to carry out the operation in response to the input of the player in a specified and predetermined timing.

Re claim 15: Itou teaches the memory medium with a game program wherein said computer functions such that said second storage locations store for each character the operation

timing patterns having different difficulty levels of an operation for said player **(see col.6, lines 34-53)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of the operation timing pattern associated with any one of an offensive character and a defensive character **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to Examiner that the storage location is simply storage, which stores any information regarding the game and characters regardless of difficulty level as long as there is an instruction to do so**.

Re claims 16 and 20: Itou teaches the memory medium encoded with a game program for execution and displaying a battle scene in which characters in a game world fight with each other **(see fig.9; col.1, lines 53-56)**.

However, Itou fails to teach a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended.

Nakatani et al teaches a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said

parameter updating mechanism reduces the physical strength parameter of a defensive character

such that the defensive character appearing in said battle scene is damaged on the basis of the

changing value calculated by said changing value calculating mechanism; wherein the parameter

includes an ability parameter on which a superiority of a fighting capability of the character

depends, and said parameter updating mechanism updates the ability parameter of the character

to be operated by said player on the basis of the changing value calculated by said changing

value calculating mechanism when the battle is ended (see fig.13B; col.9, lines 42-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings and inventions of Itou and Nakatani et al

since the strength and skill of a game character is one of the characters attribute/parameter

and also since it is only obvious to adjust and reduce the defensive character's strength as a

result of damages received from the opposing character thereby making the game more

realistic and hence increasing the player's enjoyment of the game.

Re claims 17 and 18: Itou teaches the memory medium encoded with a game program,

wherein said instruction image changing mechanism changes the displaying manner by

displaying said instruction image in one of a rhythmic manner, an enlarged/reduced manner, and

a displayed/non-displayed manner on the basis of the operation timing pattern associated with

the character appearing in said battle scene; wherein said instruction image changing mechanism

changes at least one of a color and a shape of said instruction image at the timing that has to be

operated by said player on the basis of the operation timing pattern (see col.5, lines 57-62 and

col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it

possible for any variety of display to be processed and displayed based on whatever is

programmed and instructed into the game and hence battle scene.

Re claim 19: Itou teaches the memory medium encoded with a game program wherein gaming apparatus, further comprising a music reproducing mechanism / output unit (6) for reproducing music data for playing a BGM in said battle scene **(see fig.1; col.6, lines 1-5)**, wherein said second storage locations store the music data which is utilized as the operation timing pattern and is constituted of a plurality of kinds of parts each being a reproduction object by said music reproducing mechanism **(see col.6, lines 24-30)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of any one of the parts constituting the music data when said BGM is being played by said music reproducing mechanism **(see col.5, lines 57-62 and col.6, lines 6-11)**. **It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene**.

Re claims 21 and 23: Itou teaches the memory medium encoded with a game program, wherein said changing value calculating mechanism calculates the changing value so as to significantly change the parameter of the character as a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern corresponding to said timing is higher; wherein said changing value calculating mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player

detected by said operation detecting mechanism and the timing of the operation timing pattern is successively high **(see col.10, lines 44-51)**.

Re claim 22: Itou teaches the memory medium encoded with a game program, wherein said operation timing pattern is constructed so as to be successively operated at a plurality of timing patterns by said player **(see col.6, lines 49-53)**, and said changing value calculating mechanism calculates, every time that the operation by said player is detected by said operation detecting mechanism, the changing value depending upon a degree of coincidence between the operation timing by said player at that time and the timing of the operation timing pattern corresponding to said time **(see col.10, lines 44-51)**.

Re claim 24: Itou teaches the memory medium encoded with a game program further comprising turn changing programmed logic circuitry for allowing successive operations by said player while the degree of coincidence is not lower than a predetermined value and making a change between an offensive turn and a defensive turn at a time that the degree of coincidence becomes lower than the predetermined value, and wherein said battle scene is for fighting the characters with each other by alternately repeating an offensive turn and a defensive turn **(see fig.3; col. 2, lines 30-45 and col.6, lines 58-67)**.

Re claim 25: Itou teaches a game method of a game apparatus which displays a battle scene in which characters in a game world fight with each other **(see figs.1 and 9; col.1, lines 53-56)**, comprising: first storage locations for storing a parameter for each character appearing in

said game world / such as storing data, BGM, etc associated with the processes of the game (see col.6, lines 24-30); second storage locations for storing an operation timing pattern / describing the timing associated with the operation of the game which involves waiting time mode and action time mode, which is indicative of optimal player timings and consequences / such as the attacks the game character is susceptible to based on the waiting time, to be input in association with each enemy (see col.6, lines 34-53 and 63-67); an instruction image changing mechanism for displaying, when the battle scene is displayed, an instruction image and changing a displaying manner of said instruction image on the basis of the operation timing pattern associated with the character appearing in said battle scene stored in said second storage locations (see col.5, lines 57-62 and col.6, lines 6-11); a changing value calculating mechanism for calculating a changing value for changing the parameter of the character depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern (see col.10, lines 44-51); and a parameter updating mechanism for updating the parameter / executing time of the character appearing in said battle scene on the basis of the changing value calculated by said changing value calculating mechanism (see abstract, lines 10-15).

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image (see col.6, lines 19-35); wherein the characters in the game world fight are simultaneously and independently movable during game play / wherein both characters fighting in a game world, are fighting and moving

at the same time but not controlled by the same player where all characters move independently but simultaneously during the game play (see fig.2; col.1, lines 24-35; col.6, lines 19-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al so as to provide a means for detecting the player input in the game and hence to carry out the operation in response to the input of the player.

Re claim 26: Itou teaches the game method wherein said computer functions such that said second storage locations store for each character the operation timing patterns having different difficulty levels of an operation for said player (see col.6, lines 34-53), and said steps changes the displaying manner of said instruction image on the basis of the operation timing pattern associated with any one of an offensive character and a defensive character (see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to Examiner that the storage location is simply storage, which stores any information regarding the game and characters regardless of difficulty level as long as there is an instruction to do so.

Re claims 27 and 31: Itou teaches the game method for executing and displaying a battle scene in which characters in a game world fight with each other (see fig.9; col.1, lines 53-56).

However, Itou fails to teach a gaming method, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the

changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended.

Nakatani et al teaches a gaming method, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended (see fig.13B; col.9, lines 42-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al since the strength and skill of a game character is one of the characters attribute/parameter and also since it is only obvious to adjust and reduce the defensive character's strength as a result of damages received from the opposing character thereby making the game more realistic and hence increasing the player's enjoyment of the game.

Re claims 28 and 29: Itou teaches the gaming method, wherein said instruction image changing mechanism changes the displaying manner by displaying said instruction image in one

of a rhythmic manner, an enlarged/reduced manner, and a displayed/non-displayed manner on the basis of the operation timing pattern associated with the character appearing in said battle scene; wherein said instruction image changing mechanism changes at least one of a color and a shape of said instruction image at the timing that has to be operated by said player on the basis of the operation timing pattern **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claim 30: Itou teaches the gaming method of gaming apparatus, further comprising a music reproducing mechanism / output unit (6) for reproducing music data for playing a BGM in said battle scene **(see fig.1; col.6, lines 1-5)**, wherein said second storage locations store the music data which is utilized as the operation timing pattern and is constituted of a plurality of kinds of parts each being a reproduction object by said music reproducing mechanism **(see col.6, lines 24-30)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of any one of the parts constituting the music data when said BGM is being played by said music reproducing mechanism **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claims 32 and 34: Itou teaches the gaming method, wherein said changing value

calculating mechanism calculates the changing value so as to significantly change the parameter of the character as a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern corresponding to said timing is higher; wherein said changing value calculating mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player detected by said operation detecting mechanism and the timing of the operation timing pattern is successively high **(see col.10, lines 44-51)**.

Re claim 33: Itou teaches the gaming method, wherein said operation timing pattern is constructed so as to be successively operated at a plurality of timing patterns by said player **(see col.6, lines 49-53)**, and said changing value calculating mechanism calculates, every time that the operation by said player is detected by said operation detecting mechanism, the changing value depending upon a degree of coincidence between the operation timing by said player at that time and the timing of the operation timing pattern corresponding to said time **(see col.10, lines 44-51)**.

Re claim 35: Itou teaches the gaming method further comprising turn changing programmed logic circuitry for allowing successive operations by said player while the degree of coincidence is not lower than a predetermined value and making a change between an offensive turn and a defensive turn at a time that the degree of coincidence becomes lower than the predetermined value, wherein said battle scene is for fighting the characters with each other by

alternately repeating an offensive turn and a defensive turn **(see fig.3; col. 2, lines 30-45 and col.6, lines 58-67)**.

Re claim 45: Itou discloses wherein the consequence is related to an amount of damage to be done to at least one said enemy in the plurality of enemies and the optimal timing pattern is related to the likelihood that the amount of damage will be done to at least one said enemy / according to lines 63-67 of col.6, there waiting time and action time mode which make up the operation and optimal timing of the game , and further based on the waiting time the character cannot frequently execute actions during a battle and so susceptible to attacks from enemies during waiting, which functions as a disadvantage and consequence of operation timing **(see col.6, lines 63-67)**.

4.　　　Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itou (US 6,439,998) in view of Nakatani et al (US 5,720,663) and Suzuki et al (US 5,592,609).

Re claims 36 and 37: Itou teaches a game apparatus displaying a battle scene in which characters in a game world fight with each other **(see figs.1 and 9; col.1, lines 53-56)**, comprising: first storage locations for storing a parameter for each character appearing in said game world / such as storing data, BGM, etc associated with the processes of the game **(see col.6, lines 24-30)**; second storage locations for storing in association with said each character background music that renders an operation timing pattern presenting to a player timing patterns to be operated in a rhythm pattern where the timing has consequences / describing the timing associated with the operation of the game which involves waiting time mode and action time

mode, which is indicative of optimal player timings and consequences / such as the attacks the game character is susceptible to based on the waiting time **(see col.6, lines 24-30, 34-53, and 63-67)**; a changing value calculating mechanism for calculating a changing value for changing the parameter of the character depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern; wherein said changing value calculating mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player detected by said operation detecting mechanism and the timing of the rhythm pattern is successively high **(see col.10, lines 44-51)**; and a parameter updating mechanism for updating the parameter / executing time of the character appearing in said battle scene on the basis of the changing value calculated by said changing value calculating mechanism **(see abstract, lines 10-15)**.

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input after the background music starts to be reproduced; a BGM reproducing mechanism for reproducing background music associated with the character appearing in said battle scene stored in said second storage locations.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input after the background music starts to be reproduced **(see col.6, lines 19-35)**; wherein the characters in the game world fight are simultaneously and independently movable during game play / wherein both characters fighting in a game world, are fighting and moving at the same time but not controlled by the same player where all characters move independently but simultaneously during the game play **(see fig.2; col.1, lines 24-35; col.6, lines 19-25)**.

Suzuki et al teaches a music reproducing mechanism for reproducing background music

stored in said one or second storage locations associated with the enemy appearing in said battle

scene (**see col.28, lines 37-54**).

Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the teachings and inventions of Itou, Nakatani et al, and

Suzuki et al so as to provide a means for detecting the player input in the game and hence

to carry out the operation in response to the input of the player and providing music for

each character/unit in the game thereby making the game more interesting..

5.   Claims 38-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itou

(US 6,439,998) in view of Nakatani et al (US 5,720,663) and Komoto (US 6,273,814).

Re claims 38 and 40-44: Itou teaches a game apparatus displaying a battle scene in

which characters in a game world fight with each other (**see fig.9; col.1, lines 53-56**),

comprising: one or more first storage locations for storing one or more parameters for each

enemy appearing in said game world / such as storing data, BGM, etc associated with the

processes of the game (**see col.6, lines 24-30**); changing value calculating programmed logic

circuitry for calculating a changing value for changing the parameter of the enemy depending

upon a degree of coincidence between the operation timing of said player at a time of being

detected by said operation detecting programmed logic circuitry and the timing of the operation

timing pattern / describing the timing associated with the operation of the game which involves

waiting time mode and action time mode, which is indicative of optimal player timings and

consequences / such as the attacks the game character is susceptible to based on the waiting

time, to be input in association with each enemy **(see col.6, lines 34-53 and 63-67 and col.10, lines 44-51)**; and parameter updating programmed logic circuitry for updating the parameter / executing time of the enemy appearing in said battle scene on the basis of the changing value calculated by said changing value calculating programmed logic circuitry **(see abstract, lines 10-15)**; at least one third storage location that stores a determining value decreasing programmed logic circuitry that decreases the determining value in accordance with the difference calculated by the changing value calculation programmed logic circuitry; and turn ending determining programmed logic circuitry that determines whether or not said determining value is equal to or less than a predetermined threshold value, wherein dependent on a determination that said determining value is not equal to or less than a threshold value, at least the operation detection programmed logic circuitry continues to determine a difference and calculate a changing value, the determining value, and the turn end determining programmed logic circuitry continues to make a determination by comparing the determining value to the predetermined threshold value **(see col.8, line 63-col.9, line 38)**.

However, Itou dos not explicitly teach an operation detecting programmed logic circuitry for detecting an operation by said player input in response to a change of said input pattern; at least one second storage location that stores timing frame numbers indicative of a plurality of timings at which a player is to make operations, rhythm patterns corresponding to the timings, and music data including information of the rhythm patterns, in association with respective enemy characters; music reproduction programmed logic circuitry that reproduces the music data in a battle scene; a counter that starts to count a frame number in synchronization with a start of a reproduction of the music data produced by said music reproduction programmed circuitry.

Nakatani et al teaches an operation detecting programmed logic circuitry for detecting an operation by said player input in response to a change of said input pattern **(see col.6, lines 19-35)**; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended **(see fig.13B; col.9, lines 42-58)**; wherein the characters in the game world fight are simultaneously and independently movable during game play / wherein both characters fighting in a game world, are fighting and moving at the same time but not controlled by the same player where all characters move independently but simultaneously during the game play **(see fig.2; col.1, lines 24-35; col.6, lines 19-25)**.

Komoto teaches at least one second storage location that stores timing frame numbers indicative of a plurality of timings at which a player is to make operations, rhythm patterns corresponding to the timings, and music data including information of the rhythm patterns, in association with respective enemy characters; music reproduction programmed logic circuitry that reproduces the music data in a battle scene; a counter that starts to count a frame number in synchronization with a start of a reproduction of the music data produced by said music reproduction programmed circuitry **(see col.5, lines 34-37; col.6, lines**

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou, Nakatani et al, and Komoto. One would be motivated to do this so as to provide a means for detecting the player input in the game and hence to carry out the operation in response to the input of the

player; and to provide an option of timing using rhythm and sounds from the background music.

Re claim 46: Itou discloses wherein the consequence is related to an amount of damage to be done to at least one said enemy in the plurality of enemies and the optimal timing pattern is related to the likelihood that the amount of damage will be done to at least one said enemy / according to lines 63-67 of col.6, there waiting time and action time mode which make up the operation and optimal timing of the game , and further based on the waiting time the character cannot frequently execute actions during a battle and so susceptible to attacks from enemies during waiting, which functions as a disadvantage and consequence of operation timing (**see col.6, lines 63-67**).

Response to Arguments

6.   Applicant's arguments filed 01/31/2011 have been fully considered but they are not persuasive.

In response to the applicant's argument on the interpretation of "optimal timing" and operation timing, the examiner points out again that the limitation has been further explained above. Further the examiner points out that the "optimal timing" associated with operation timing is interpreted as the waiting time mode and action time mode as taught by Itou, where the game character based on the operation timing have consequences such as attacks being made to them when in the waiting time mode of the operation timing. Where the concern is when the player actually has the ability to control their game character and not players striving to complete

the game as taught and argued by the applicant. Further the examiner points out that the as broadly interpreted by the examiner, the game play of a game is also the gaming operation involved in the game where the actions of the player and the gaming system constitute game operation and wherein the waiting time and action time associated with the player's game play all constitute operation of the game, where the examiner interprets that the timing involved in this game play operation is the operation timing as written in the applicant's claim limitation. Further the examiner notes that the claim language from claim 24 teaching alternately repeating said offensive and defensive turns, supports the examiner's interpretation.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/David L Lewis/

Supervisory Patent Examiner, Art Unit 3714